

EMAILS ON HOUSE BILL 4052

As HB 4052 is scheduled to come before the Commerce and Trade Committee tomorrow, May 19, 2015. I wish submit formal opposition to the committee on behalf of Bay County, MI. Bay County adopted a non-discrimination personnel policy in 2014 protecting the employment rights of all of our employees in Bay County. This bill overrides our ability to protect all employees based on sexual orientation and/or gender. The state should be spending more time amending the Elliot-Larson Act to do same, and not writing legislation forbidding local municipalities from protecting their own citizens. No one should be subject to discriminatory firing or hiring practices.

Respectfully submitted,

Donald J. Tilley

Bay County Commissioner, 6th District
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A year ago, we passed a fully inclusive non-discrimination ordinance in Canton Township. Unfortunately, the legislature is considering a bill that could undo some of those protections. HB 4052 would make passage, or enforcement of any local policy or ordinance that deals with employment that exceeds state or federal law void. This means our non-discrimination ordinances that protect minority and LGBT workers would no longer be enforced.

This does not reflect the will of the people of Canton Township and is not good for our state's reputation or our state's business community. Please do not pass this bill.

Shelley Ketcham-Bates

(high school teacher, parent, and Canton Township resident)
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May 19, 2015

Members of the Michigan House Committee on Commerce and Trade

State Capitol

Lansing, Michigan

Greetings:

The Michigan National Organization for Women **opposes House Bill 4052** on your agenda today. The bill would prohibit a local government from adopting, enforcing, or administering an ordinance, local policy, or local resolution that contains employment requirements exceeding those imposed by state or federal law.

Typically these local ordinances or policies have been passed because the state legislature or Congress has failed to act to protect Michigan residents from employer exploitation. In Michigan, most employees are at-will employees and can be fired for any reason at all, except where local, state, or federal law has established some parameters. As private sector unionization declines, it is more necessary than ever that the Legislature step in and pass more employee protections, not block local communities from acting to protect their residents because the state legislature or Congress has failed to act.

Instead of blocking home rule in the matter of employer-employee relations, the Legislature should use local ordinances as model legislation and move immediately to amend state laws to conform to what the voting public in these cities and counties across the state are asking for – civil rights protections for lesbian, gay, bisexual and transgender people, for students and others that local communities have identified as needing enhanced protections.

The Michigan Legislature should be on the forefront of preserving families by requiring all employers to provide earned paid leave for family and medical reasons. You should move the 11-bill package on equal pay. Instead of begrudgingly passing minimum wage increases only after petition drives have put minimum wage measures on a statewide ballot, anticipate the issue and set up a permanent COLA system for minimum wage adjustments.

Local communities often see the issue as promoting diversity and tolerance, providing dispute resolution alternatives to litigation, protecting children, providing safe workplaces, and generally helpful in creating a desirable community in which to live and work. The Michigan Legislature should reward and give accolades to these communities, not prevent them from protecting their own residents.

We urge you not to interfere with local home rule on employment matters and vote No on reporting House Bill 4052.

Sincerely,

Mary Pollock

Legislative Vice President

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There is a long strong history of local government protecting the citizens within its jurisdiction.

Quite often the state fails to act in the best interest of all the people it governs. A blanket bill to remove the power of local municipalities to provide such protection flies in the face of what our constituents want.

It is one thing if a local public body was actually trying to overturn defined state restrictions. But it is totally different to handcuff a governmental body that adds protections to what currently exists in the State.

We worked hard in Canton in 2014 to extend extra protections where the state failed to do so.

I do not believe the State Legislature would appreciate the Federal Government removing such power from the tools owned by Lansing to protect the citizens of Michigan. Please do not turn around and take the same damaging action against local municipalities.

Thank you for your time. I speak for myself and not any organization I represent.

Steven Sneiderman

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**Written Testimony of Sarah Warbelow,
Legal Director of the Human Rights Campaign,
In Opposition to HB 4052 To the Michigan House Commerce and Trade Committee
May 18, 2015**

Mr. Chairman and Members of the Committee:

My name is Sarah Warbelow, and in addition to being a native Michigander I am the Legal Director of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of our more than one and a half million members and supporters nationwide, including more than 40,000 in Michigan, I submit this statement in opposition to HB 4052, which would limit the powers of local governmental bodies to adopt, enforce, and administer non-discrimination ordinances that provide critical protections from discrimination against LGBT people. Further, it would usurp the city's ability to ensure that its taxpayer dollars are funding only city contracts in which the contractor has equitable employment and benefit policies for LGBT employees.

Over two hundred and twenty five municipalities nationwide have passed inclusive non-discrimination ordinances that prohibit discrimination in employment on the basis of sexual orientation and gender identity. In Michigan alone, 34 cities have passed such ordinances, covering nearly two million people. If HB 4052 were passed into law, it would make those duly passed ordinances unenforceable. That goes against basic principles of democracy, undermines the important role of local government, and exposes LGBT people to discrimination that could cost them their jobs.

The motivation behind non-discrimination ordinances is simple, but powerful: the goal is to protect people from arbitrary discrimination on the basis of their sexual orientation or gender identity. People should be judged based on the quality of the work rather than who they are. People should be judged on their merits and not denied opportunities because of who they are or whom they love. Because Michigan lacks a state non-discrimination law that includes sexual orientation and gender identity, it is left to the cities to provide these basic protections many people take for granted in civil society. Cities have every incentive to act on ensuring discrimination is prohibited at the city level. It is in the best interest of cities to make sure that the best person is the person hired – and that the best candidate isn't overlooked because of a non-merit based factor. Cities want to be a place where community and inclusivity are stated and lived values.

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The economic benefits are serious considerations, too— research shows that cities that are perceived to be inclusive, diverse, and welcoming to LGBT people fare better on several economic measures, including housing values, sustainable development, and job growth. Businesses are more likely to relocate or invest in cities that share their values – and the business community has recognized the value of diversity and inclusion for years.

Finally, from a democratic perspective, it makes no sense that the duly passed ordinances voted on by duly elected city councils that have stood in some cases for decades would be overturned by the whim of the state legislature. East Lansing holds the distinction of being the first city in the nation to provide protections based on sexual orientation. Local control is democracy in its purest form – communities come together and craft solutions that are appropriate to their specific town. If unpopular ordinances are considered or passed, the community has the opportunity to speak out against it, vote the city leadership out of office, or repeal the ordinance. There's no need for interference by the state legislature.

Cities have a right to self-determination. Why should the people of Detroit have any say over what Ann Arbor determines is best for its taxpayers within its own borders, or vice versa? Let each city determine what is right for itself without interference by people who are unaffected by the city's decisions about its internal affairs. Only two states in the country have laws that undermine non-discrimination protections in this way; this bill would make Michigan an outlier.

Preempting the cities' ability to pass non-discrimination ordinances and city contractor policies would prohibit those cities from acting in pursuit of the general welfare for their constituents. Cities have multiple incentives to act to prohibit discrimination in their cities, including on the basis of sexual orientation and gender identity, and this bill would prohibit them from acting in their own best interests. This has implications not only for fairness, but also for economic development; it also seriously undercuts the democratic process.

We strongly urge you to oppose HB 4052.

Sincerely,
Sarah Warbelow
Legal Director
Human Rights Campaign



At a Regular Meeting of the Royal Oak City Commission held on Monday, May 18, 2015, in City Hall, 211 Williams Street, the following Resolution was adopted:

WHEREAS Michigan House Bill 4052 and Senate Bill 337 will forbid the City of Royal Oak from improving upon state standards; and

WHEREAS this legislation will invalidate existing ordinances supported by Royal Oak residents, such as those that prohibit certain employment discrimination, and interfere with city leaders' ability to pass future ordinances that best meet the needs of the community; and

WHEREAS the needs of people living in suburban communities are not always the same as the needs of people in rural areas, small towns or large cities and a one-size-fits-all approach to lawmaking does not adequately consider those differences; and

WHEREAS the purpose of local government is to make laws and policies that meet the needs and values of the people who live there; and

WHEREAS local government should be empowered to build upon state standards to address the needs and priorities of their community; and

WHEREAS Large corporations and their lobbyists naturally often put their profit-margin and bottom-line ahead of the best interests of local citizens; and

WHEREAS it has been well-documented that special interest lobbies already have too much influence over national and state policy making and are now using that influence to maximize their profits by limiting the ability of locally elected leaders to represent the best interest of residents; and

WHEREAS corporate interests and their lobbyists must not be allowed to overturn decisions made by local governments in the name of maximizing shareholder returns; and

WHEREAS this incredible state intrusion tramples the right of Royal Oak residents to make laws that reflect Royal Oak values, like making work places healthier, protecting against discrimination and ensuring clean air and water for future generations.

NOW THEREFORE BE IT RESOLVED that the Royal Oak City Commission hereby opposes all state intrusion laws that take away our local ability to improve the lives of the people of Royal Oak.

BE IT FURTHER RESOLVED that the Royal Oak City Commission requests the Michigan House of Representatives, the Michigan State Senate, and the Governor Rick Snyder to OPPOSE House Bill 4052 and SB 337.

BE IT FURTHER RESOLVED that a copy of this resolution is sent to all elected officials in Oakland County cities, villages, and townships, all state and county officials representing Royal Oak.

BE IT FURTHER RESOLVED that a copy of this resolution is sent to the Michigan Municipal League.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Royal Oak City Commission at a meeting held on May 18, 2015.


City Clerk

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